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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)
8)
9 Plaintiff,) Case No. CR06-370-RSM
10 v.)
11 EMERSON YAZZIE,)
12 Defendant.)
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**PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED
VIOLATIONS OF
SUPERVISED RELEASE**

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on November
15 19, 2008. The defendant appeared pursuant to a warrant. The United States was represented by
16 Michael Scoville, and defendant was represented by Michael Filipovic. Also present was U.S.
17 Probation Officer Andrea Porter. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR VIOLATIONS

19 On February 2, 2004, the Honorable James A. Teilborg, District of Arizona, sentenced
20 defendant to 46 months of imprisonment and three years of supervision following defendant's
21 plea to assault resulting in serious bodily injury. On September 19, 2006, jurisdiction was
22 transferred to this District. Defendant's term of supervision began in this District on November
23 16, 2006.

1 On February 21, 2008 and August 21, 2008 , the probation department filed a violation
2 reports alleging defendant had consumed alcohol. The court accepted the probation department's
3 recommendations that no action be taken.

4 PRESENTLY ALLEGED VIOLATIONS AND
5 DEFENDANT'S ADMISSION OF THE VIOLATION

6 In a petition dated October 16, 2008, Supervising U.S. Probation Officer Andrea Porter
7 alleged that defendant violated the following conditions of supervised release:

8 1. Consuming alcoholic beverages on or about February 12, 2008 in violation of special
9 condition six.

10 2. Consuming alcoholic beverages on or about August 2008 in violation of special condition
11 six.

12 3. Failing to participate as instructed by the probation officer in substance abuse treatment in
13 violation of special condition one.

14 Defendant admitted all three violations. He was advised of his right to an evidentiary
15 hearing and waived any hearing as to whether the violations occurred.

16 4. Defendant was advised that a disposition hearing was scheduled for December 5, 2008,
17 before the Honorable Ricardo S. Martinez. Defendant remains in the community.

18 RECOMMENDED FINDINGS AND CONCLUSIONS

19 Based upon the foregoing, I recommend the court find that defendant has violated the
20 conditions of his supervised release as alleged above, and conduct a disposition hearing.

21 DATED this 19th day of November, 2008.

22 

23 BRIAN A. TSUCHIDA
United States Magistrate Judge